

1 IN THE UNITED STATES DISTRICT COURT
2
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4
5 D. G. SWEIGERT

6 Plaintiff,

7 vs.

8 JASON GOODMAN, ET AL

9 Defendants

Case No.: 1:23-cv-05875-JGK

Case No.: 1:23-cv-06881-JGK

**NOTICE OF MOTION FOR SANCTIONS
PURSUANT TO RULE 11**

10
11 PLEASE TAKE NOTICE that, with this filing and its associated briefs, memoranda and
12 exhibits, defendant Jason Goodman, by and for himself pro se will move this Court for an order
13 granting sanctions against Plaintiff David George Sweigert for the reasons set forth in the
14 attached memorandum.

15
16
17 Signed this 16th day of October 2023

18 Respectfully submitted,



19
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25
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27
28 NOTICE OF MOTION FOR SANCTIONS PURSUANT TO RULE 11- 1

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5 D. G. SWEIGERT

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9 Defendants

10 Case No.: 1:23-cv-05875-JGK

11 Case No.: 1:23-cv-06881-JGK

12

13 **DEFENDANT'S MEMORANDUM OF
14 LAW IN SUPPORT of SANCTIONS
15 PURSUANT TO FRCP RULE 11**

16
17 **INTRODUCTION**

18 Defendant Jason Goodman (“Goodman”) by and for himself pro se, respectfully submits
19 this memorandum of law in support of his motion for sanctions, pursuant to FRCP Rule 11 and
20 this Court’s inherent power, against Plaintiff David George Sweigert (“Sweigert”) for violations
21 of Rule 11 including, *inter alia*, intentionally presenting pleadings for an improper purpose to
22 harass, cause unnecessary delay, and increase the cost of litigation as explained in detail below.

23 Sweigert initiated a campaign of sham litigation against defendant Jason Goodman
24 (“Goodman”) that began in 2017. Despite having never met and having no previous interactions
25 or business relations, Sweigert endeavors to prove that Goodman is a conspiracy theorist who
26 planned a bomb hoax to build YouTube viewership, among other things. Goodman alleges these
27 actions are calculated to counteract journalism which reveals unfavorable facts about Sweigert,
28 who has weaponized the Court, abusing judicial resources in a practice known as (“Lawfare”).

DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
FRCP RULE 11-1

1 BACKGROUND

2 In September 2017, non-party Robert David Steele (“RDS”) brought a defamation action
3 against Goodman (*See Case 3:17-cv-00601-MHL Steele v Goodman et al*). Shortly after that,
4 Sweigert moved to intervene (*See Case 3:17-cv-00601-MHL ECF No. 73*). George Webb
5 Sweigert (“Webb”), the brother of Plaintiff Sweigert had introduced Goodman to RDS over the
6 phone only three months prior. On June 13, 2017, Webb called in to Goodman’s talk show
7 (“Crowdsource the Truth”) and cohosted an interview with RDS. The next day, Webb called in
8 again with allegations of illicit radioactive material aboard a cargo ship approaching the Port of
9 Charleston in South Carolina. Webb persisted in emphasizing the risk of the vessel becoming a
10 “dirty bomb”. Webb’s call resulted in the FBI closing the Port and made national news,
11 ([https://money.cnn.com/2017/06/16/media/port-of-charleston-dirty-bomb-conspiracy-theory-
12 shutdown/index.html](https://money.cnn.com/2017/06/16/media/port-of-charleston-dirty-bomb-conspiracy-theory-shutdown/index.html)). Webb was arrested hours later, questioned by FBI and released on bail.
13

14 After a multitude of filings, Sweigert’s motion to intervene in Steele v Goodman was
15 denied (*See Case 3:17-cv-00601-MHL ECF No. 153*). This attempted intervention was only one
16 prong of the Lawfare attack. Sweigert also brought action in South Carolina on June 14, 2018,
17 publicly declared it a celebration of the one-year anniversary of the incident, (*See Case 1:18-cv-
18 08653-VEC-SDA ECF No. 1*). That docket swelled to more than three-hundred-eighty entries
19 after the case was transferred to SDNY and went on for more than three years. On the eve of
20 trial, and without explanation, Sweigert voluntarily withdrew. When Judge Valerie Caproni
21 ordered the complaint dismissed with prejudice, Sweigert moved for reconsideration, so that he
22 might preserve his ability to torment Goodman with the same claims in future frivolous action,
23 (*See Case 1:18-cv-08653-VEC-SDA ECF No. 383*). Sweigert now renews these dismissed
24
25

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27 FRCP RULE 11-2
28

1 claims, despite being ordered not to. Sweigert has publicly declared his intent to sue Goodman
2 for the rest of his life, essentially announcing plans to perpetually violate Rule 11. This case is
3 yet another demonstration of his intent to do it. In this instant action, Sweigert renews frivolous
4 claims that have already been dismissed with prejudice while he attempts to manufacture new
5 ones in his obsessive effort to maintain a constant barrage of punitive legal actions against
6 Goodman irrespective of the outcome of any individual case. Sweigert's actions inherently
7 violate FRCP Rule 11 and he should be sanctioned. It is within the scope of the Court's inherent
8 power to enjoin him from continuing. Failure to enjoin Sweigert from this ongoing vexatious
9 behavior signals tacit approval of the abuses and inherently undermines the Court's authority.
10 Sweigert must not be allowed to continue and should be sanctioned pursuant to FRCP Rule 11.
11
12

13 ARGUMENT

14 I. SANCTIONS ARE APPROPRIATE UNDER RULE 11 AND THIS 15 COURT'S INHERENT AUTHORITY

16 All parties, including those proceeding pro se, are bound by Rule 11. See Fed. R.
17 Civ. P. 11 advisory committee notes (1993) ("The rule retains the principle that attorneys
18 and pro se litigants have an obligation to the court to refrain from conduct that frustrates
19 the aims of Rule 11."). An attorney's signature on a pleading certifies that:

- 21 (1) it is not being presented for any improper purpose, such as to harass, cause
22 unnecessary delay, or needlessly increase the cost of litigation;
- 24 (2) the claims, defenses, and other legal contentions are warranted by existing law
25 or by a nonfrivolous argument for extending, modifying, or reversing existing law
26 or for

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28 DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
FRCP RULE 11-3

1 establishing new law;

2 (3) the factual contentions have evidentiary support or, if specifically, so
 3 identified, will likely have evidentiary support after a reasonable opportunity for
 4 further investigation or discovery;

5 (4) the denials of factual contentions are warranted on the evidence or, if
 6 specifically, so identified, are reasonably based on belief or a lack of information.

7 **Rule 11(b)(1).** Plaintiff Sweigert has engaged in a campaign of sham litigation calculated
 8 to harass Goodman since 2017. In another case Sweigert inappropriately insinuated himself into,
 9 (See Goodman v Bouzy Case 1:21-cv-10878-AT-JLC ECF No. 14), Magistrate James L. Cott's
 10 Order Report and Recommendation stated, "*Given its length, the amended complaint should be*
 11 *dismissed as a threshold matter for failure to comply with Rule 8(a) of the Federal Rules of Civil*
 12 *Procedure, which "places an obligation upon the [plaintiff] to submit 'a short and plain*
 13 *statement of the claim,' not a . . . long conspiracy theory novel."* *Gaboury v. Town of Roxbury,*
 14 *No. 98-CV-1753 (TJM), 1999 WL 244829, at *4 (N.D.N.Y. Apr. 19, 1999) (citation omitted).*"
 15 (See Case 1:21-cv-10878-AT-JLC ECF No. 203 Page 3 Footnote 2).

16 In this matter, Sweigert's two, fifty-one-page filings each exceed the length of
 17 Goodman's complaint by nine pages. Surely Magistrate Judge Cott's determination that a forty-
 18 two-page filing should be dismissed sua sponte for violating rule 8(a) would also apply here.
 19 Sweigert eventually became a defendant in that case and was aware of the ruling months prior to
 20 his violation of rule 8(a) in this instant action.

21 Concurrent with his abusive legal action, Sweigert engages in persistent cyber stalking
 22 and harassment including constant unwanted communication via email and various social media

23
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 25 FRCP RULE 11-4

1 platforms including YouTube, X (formerly Twitter) and others. He coordinates a network of
 2 individuals who approach and harass Goodman on the streets of New York City and elsewhere.
 3 Sweigert has articulated this plan calculated to destroy Goodman's business, disrupt his personal
 4 and professional relationships, and extort money from him. Sweigert harassed Goodman's
 5 attorney in yet another case, provoking his withdrawal, (See Case 1:20-cv-07269-VEC-OTW
 6 Document 102-2). This instant action is only the latest iteration of Sweigert's abusive Lawfare
 7 campaign. Like those prior, this matter was brought for an ulterior purpose, in violation of Rule
 8 11(b)(1) to harass Goodman and needlessly expose him to excessive litigation costs.
 9

10 “The “improper purpose” ground under Rule 11 authorizes a court to impose sanctions
 11 when it finds that an action has been brought for some dilatory purpose, to harass an opponent,
 12 or to needlessly increase litigation costs. This is an independent ground for the imposition of
 13 sanctions. Thus, even where an action is not frivolous, a court may impose sanctions on the
 14 ground that the action was brought for some improper purpose.”
 15

16 *O’Neil v. Ret. Plan for Salaried Emps. of RKO Gen., Inc.*, 88 Civ. 8498 (JSM), 1992 U.S.
 17 Dist. LEXIS 237, at *1 (S.D.N.Y. Jan. 7, 1992)

18 Sweigert’s filing contains numerous claims he either knows to be false from prior rulings
 19 or has otherwise failed to sufficiently verify with regard to truthfulness. His deceptive effort to
 20 consolidate another frivolous case against an inactive corporation he knows to be unrelated to his
 21 claims was calculated exclusively to increase the cost and complexity of litigation and is another
 22 violation of Rule 11, (See se 1:23-cv-06881-JGK Document 33) . “As a general rule, the “central
 23 purpose” of a lawsuit must be “to vindicate rights.” See *In re Kunstler*, 914 F.2d 505, 518 (4th
 24 Cir. 1990). Even “if a complaint is filed to vindicate rights in court, and also for some other
 25

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 27 FRCP RULE 11- 5
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1 purpose," sanctions are not appropriate unless the added purpose is "undertaken in bad faith and
 2 is . . . so excessive as to eliminate a proper purpose." [*10] Id. In assessing the propriety of
 3 filing a complaint to initiate a lawsuit, the court must evaluate the objective reasonableness —
 4 rather than the subjective intent — underlying the filing."

6 *Colum. Gas Transmission, LLC v. Haas*, No. 22-1504, 2023 U.S. App. LEXIS
 7 19300, at *9 (4th Cir. July 27, 2023)

8 Even if the Court determines Sweigert has some right to defend buried deeply in the
 9 superfluous pleadings submitted, his actions have been undertaken with excessive bad faith and
 10 for an improper purpose, to harass the defendant in violation of FRCP Rule 11(b)(1). His
 11 persistent violation of the rules, ethics, and the law rise to such an excessive level of bad faith,
 12 sanctions are not only warranted, but they are also necessary to prevent him or future litigants
 13 like him from abusing the courts with their own vindictive, persistent Lawfare campaigns.

15 Sweigert further violated FRCP Rule 11(b)(1) when he attempted to sue Multimedia
 16 System Design, Inc, DBA Crowdsource the Truth ("MSDI"). This non-existent, fictional entity
 17 was imagined by Sweigert and first presented to the Court in 2020 in a malicious and deceptive
 18 effort to bring action against an inactive corporate entity previously owned by Goodman. (See
 19 *Nat'l Acad. of TV Arts & Scis., Inc. v. Multimedia Sys. Design*, No. 20-CV-7269 (VEC),
 20 (S.D.N.Y. Feb. 22, 2022) There is no relationship between this corporate entity and the actions
 21 taken by Goodman as a natural person that gave rise to Sweigert's complaints. Sweigert is
 22 attempting to reprise his financial assault on Goodman by deceiving the Court in an effort to stop
 23 Goodman from mounting a pro se defense. The truth is, there is no such entity as MSDI, and
 24 Sweigert knows this. He invented the MSDI name in order to conflate unrelated current

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 FRCP RULE 11-6

1 activities of Goodman, a natural person, with the existence of a dormant, unrelated corporate
 2 entity previously owned by Goodman that has been inactive for years.

3 Even if the Court determines that the fictional concoction MSDI, born from Sweigert's
 4 imagination, sufficiently identifies an uninvolved, inactive corporation previously owned by
 5 Goodman, the Supreme Court has determined that the proper venue to bring action against a
 6 corporate litigant is its home jurisdiction. First in *Goodyear Dunlop Tires Operations, S.A. v.*
 7 *Brown* and then later in *Daimler AG v. Bauman* the Supreme Court more narrowly defined
 8 general and specific jurisdiction with regard to suits brought against corporate defendants.
 9 Sweigert ignores this and seeks to take advantage of universal jurisdiction where a corporation
 10 could be sued essentially anywhere it displayed any semblance of doing business or had even a
 11 minimal presence. This is precisely what the High Court intended to minimize as it sought to
 12 increase judicial efficiency with the ruling. The Supreme Court determined that a corporation
 13 could not be "at home" in all jurisdictions, even all in which it conducts business, finding, "A
 14 corporation that operates in many places can scarcely be deemed to be at home in all of them."

15 *Daimler AG v. Bauman*, 571 U.S. 117, 117, 134 S. Ct. 746, 748 (2014)

16 In yet another violation of Rule 11(b)(1), Sweigert failed to abide by the Supreme Court's
 17 ruling, bringing more frivolous action in an invalid venue for the specific and improper purpose
 18 of manipulating the outcome of the case. Sweigert should be denied consolidation of a case
 19 brought in an improper venue in violation of Rule 11 and sanctions would be appropriate.

20 **Rule 11(b)(2).** Plaintiff violated Rule 11(b)(2) when he defied an existing order from
 21 Judge Valerie Caproni and refiled unwarranted claims. Claims in this action pursuant to New
 22 York Civil Rights Law §§ 50 & 51 are substantially the same as those already dismissed with
 23

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 25 FRCP RULE 11-7

1 prejudice, (See Case 1:18-cv-08653-VEC-SDA ECF No. 381). Judge Caproni previously
 2 admonished Sweigert when she dismissed his similar claims stating, "Plaintiff has withdrawn his
 3 New York's Civil Rights Law Section 50 and 51. See Letter, Dkt. 380. Accordingly, those claims
 4 are hereby DISMISSED with prejudice." After that, Sweigert attempted to move the Court to
 5 reconsider its ruling and grant dismissal without prejudice. In response, Judge Caproni further
 6 admonished him stating, "The Court will not tolerate judicial gamesmanship; Mr. Sweigert does
 7 not get a judicial mulligan." This instant action is only his most recent attempt at a judicial
 8 mulligan. Sweigert continues the very "judicial gamesmanship" Judge Caproni warned him the
 9 Court would not tolerate, (See Case 1:18-cv-08653-VEC-SDA Document 383).
 10

12 In *Quadrozzi v. New York*, the Court determined, "There are two grounds for
 13 sanctions Fed. R. Civ. P. 11: the "frivolous clause" and the "improper purpose clause." The
 14 "frivolous clause" of Rule 11 has two subparts: whether the party or attorney has made a
 15 reasonable inquiry into the facts, and whether the party or attorney has made a reasonable
 16 inquiry into the law. The "improper purpose clause" provides that a party may not interpose a
 17 motion, pleading, or other document for purposes of delay, harassment, or increasing the costs of
 18 litigation. As each clause imposes an independent obligation, a violation of either is sufficient to
 19 impose Rule 11 sanctions. Similarly, a violation of either subpart of the frivolous clause
 20 constitutes a violation of Rule 11."

22
 23 *Quadrozzi v. New York*, 127 F.R.D. 63, 66 (S.D.N.Y. 1989)

24 Sweigert knew his NY Civ Rights L §§ 50 – 51 claims were insufficient on evidentiary,
 25 factual, and legal bases and had been dismissed with prejudice. He also knows the imagined,
 26 fictional corporate entities he has concocted for the purpose of confounding the Court and
 27

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 FRCP RULE 11-8

obstructing its normal processes are not valid entities with legal standing to be sued. Despite this knowledge he proceeded in defiance of Rule 11(b)(2) and should be sanctioned.

Rule 11(b)(3) and (4). Plaintiff attempts to deceive the Court with denials surrounding a filing in the Eastern District of Michigan (“MIED”). In another violation of Rule 11, plaintiff’s brother, co-defendant Webb, filed an action against Cable News Network, Inc (“CNN”) in the MIED on October 31, 2020, (*See Case 2:20-cv-12933-GAD-KGA*). The rambling complaint failed to form a cognizable claim and offered no reason as to why it was brought in MIED, rather than New York or Atlanta, where CNN is headquartered. Instead, this case appears to have been created expressly to offer Sweigert another opportunity to intervene and involve Goodman, which he attempted, (*See Case 2:20-cv-12933-GAD-KGA ECF No. 3*). Judge Gershwin Drain denied intervention, and ordered plaintiff Webb to show cause as to why the case should not be dismissed, (*See Case 2:20-cv-12933-GAD-KGA ECF No. 10*). The response, (*See Case 2:20-cv-12933-GAD-KGA ECF No. 12*) exhibited unequivocal evidence of forgery. Specifically, the creation date of the document was June 21, 2021, and the filing date was June 18, 2021. This geospatial and temporal impossibility would require the clerks to travel backward in time and cannot be explained. In addition, metadata in the document revealed Richard Loury (“Loury”) as the author. (**EXHIBIT A**)

Loury is a clerk in MIED and not an attorney. Loury has no authority to author documents on behalf of litigants. Detroit Police Department (“DPD”) Sargent, Detective Joiell Cobb Sanders (“Sgt. Sanders”) met with Goodman and agreed the evidence proved beyond a doubt the document was forged, and that Loury was the most likely suspect. She lamented that any criminal activity inside the U.S. District Courthouse could not be addressed by DPD as it

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FRCP RULE 11- 9

1 was federal jurisdiction. No report was filed, and no investigation was conducted. Goodman has
2 also shared this evidence with Special Agent Kenneth Engberg (“SA Engberg”) of the Detroit
3 FBI. SA Engberg also agreed the evidence indicated forgery and that Loury was the most likely
4 suspect, but he failed to act and refused to provide further commentary on the matter.
5

6 In violation of Rule 11(b)(3), Sweigert made several factual contentions that lack
7 evidentiary support. Specifically, he claims Goodman has made false and defamatory claims
8 about the forged document filed in MIED. This violates Rule 11(b)(3) because Plaintiff knows
9 he will fail to prove the date on the document is legitimate or that it was filed by Webb.
10

11 In response to Covid-19, in or around August 2020, MIED implemented a Pro Se
12 Document Upload portal, (<https://www.mied.uscourts.gov/index.cfm?pagefunction=ProSeDocs>).
13 The web page allows pro se litigants to file pleadings as PDF documents directly with the clerks
14 who then enter the filings on the ECF docket. The MIED web site provides filers with an email
15 receipt when they make any submission. Both Sweigert and Webb have filed numerous actions
16 in multiple U.S. District Courts in which they both separately and jointly insist Goodman has
17 lied in an effort to smear them. Neither party has attempted to explain the evidence which
18 Goodman, Sgt. Sanders and SA Engberg all agree indicates criminal forgery. No filing receipt
19 has been presented. Sweigert should be sanctioned pursuant to Rule 11(b)(3) for making factual
20 contentions regarding ECF No. 12 that have no evidentiary support. Sweigert should be
21 compelled to provide evidence of filing, or else be sanctioned pursuant to FRCP Rule 11(b)(3).
22

23 Even if the Court disagrees and denies Rule 11 sanctions, alternately Sweigert and Webb
24 should be compelled to appear in person at an evidentiary hearing to present the emailed receipt
25 from the MIED pro se filing web site. In the two years since Goodman first raised this evidence,
26

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28 DEFENDANT’S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
FRCP RULE 11-10

1 multiple frivolous suits have emerged, (See Case 2:22-cv-10002-GAD-KGA, and Case 1:22-cv-
 2 02788-LGS-BCM) but the pro se filing receipt has not. Failure to produce this receipt is
 3 additional evidence that Loury assisted Webb and Sweigert in filing this forged document.
 4

5 "A misrepresentation regarding a plaintiff's previous litigation history can warrant
 6 dismissal. See *Sheils v. Jordan*, No. 10-CV-6516L, 2014 U.S. Dist. LEXIS 55683, 2014 WL
 7 1600445, at *2 (W.D.N.Y. Apr. 21, 2014) ("Such a failure to disclose prior litigation history,
 8 especially by such an obviously practiced (if unsuccessful) litigant, 'is an inexcusable
 9 misrepresentation to the Court' warranting dismissal under Rule 11 of the Federal Rules of Civil
 10 Procedure." (quoting *Bell v. Lasaceli*, No. 08-CV-0278, 2009 U.S. Dist. LEXIS 32416, 2009
 11 WL 1032857, at *4 (W.D.N.Y. Apr. 15, 2009)); *Bell*, 2009 U.S. Dist. LEXIS 32416, 2009 WL
 12 1032857, at *4 ("Because Plaintiff has repeatedly misrepresented his litigation history to the
 13 Court—a significant one at that—the Court finds that he has violated Fed. R. Civ. P. 11 and,
 14 therefore, this action will be dismissed, in the alternative, on that basis.").
 15

16 *Murray v. Noeth*, No. 6:19-CV-6342 EAW, 2023 U.S. Dist. LEXIS 137057, at *10
 17 (W.D.N.Y. Aug. 7, 2023)

19 **II. SANCTIONS SHOULD INCLUDE DISMISSAL WITH PREJUDICE AND
 20 A BROAD FILING INJUNCTION AGAINST VEXATIOUS LITIGATION**

21 District courts have "significant discretion in determining what sanction, if any, should be
 22 imposed for a violation" of Rule 11. *Four Star Fin. Servs., LLC v. Commonwealth Mgmt.*
 23 *Assocs.*, 166 F. Supp. 2d 805, 809 (S.D.N.Y. 2001). Rule 11 sanctions can include, *inter alia*, the
 24 disposition of claims, application of fees and costs or imposition filing injunctions when
 25 appropriate, as in this case. *See* Fed. R. Civ. P. 11(c)(1). This Court has broad latitude to enjoin
 26

28 DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
 FRCP RULE 11-11

vexatious pro se plaintiffs like Sweigert from filing frivolous pleadings without first seeking leave of court. *See Polur v. Raffe*, 912 F.2d 52, 57 (2d Cir. 1990) (citing 28 U.S.C. § 1651(a)). Under the All Writs Act, 28 U.S.C. § 1651(a), federal courts are empowered to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” This includes enjoining vexatious, abusive, and harassing litigants like Sweigert. *In re Hartford Textile Corp.*, 681 F.2d 895, 897 (2d Cir. 1982) (per curiam), cert. denied sub nom., *Shuffman v. Hartford Textile Corp.*, 459 U.S. 1206 (1983) (“The equity power of a court to give injunctive relief against vexatious litigation is an ancient one which has been codified in the All Writs Statute.”); *In re Martin-Trigona*, 737 F.2d at 1262 (affirming imposition of pre-filing injunction against pro se plaintiff); *Kane v. City of New York*, 468 F. Supp. 586, 590 (S.D.N.Y. 1979) (“[W]hen it becomes clear that the courts are being used as a vehicle of harassment by a ‘knowledgeable and articulate experienced pro se litigant’ who asserts the same claims repeatedly in slightly altered guise, the issuance of an injunction is warranted.”)

MUKA v. HANCOCK, ESTABROOK, 120 Misc. 2d 146, 147 (N.Y. Sup. Ct. 1983)

Courts in the Second Circuit have considered five factors in determining if pre-filing injunction is warranted:

- (1) the litigant’s history of litigation and whether it entailed vexatious, harassing, or duplicative lawsuits;
- (2) whether the litigant has an objective good faith expectation of prevailing;
- (3) whether the litigant is represented by counsel;

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1 (4) whether the litigant has caused needless expense to other parties or an
 2 unnecessary burden on the courts and their personnel; and

3 (5) whether other sanctions would be adequate to protect the courts and other
 4 parties.

5 *Pandozy v. Segan*, 518 F. Supp. 2d 550, 558 (S.D.N.Y. 2007), aff'd, 340 F. App'x 723
 6 (2d Cir. 2009) (citing *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir.1986)

7 In this case, each of these factors weigh in favor of enjoining Sweigert from filing: (a)
 8 any additional documents on the docket for this case relating to Goodman or any corporation
 9 previously owned by Goodman; (b) any action against any inactive corporation previously
 10 owned by Goodman; and (c) any new pro se action against Goodman, any member of
 11 Goodman's immediate family, or any legal entity owned by Goodman in any federal district
 12 court without first obtaining leave of that court. *See In re Martin- Trigona*, 737 F.2d at 1262
 13 (affirming pre-filing injunction encompassing all federal district courts).

14 **Factor One**

15 Sweigert has an extensive record of initiating frivolous legal action and asserting false,
 16 unsubstantiated claims against Goodman dating back to 2017, in an ongoing and continuous
 17 manner up to and including today. *See, Steele et al v. Goodman et al*, 3:17-cv-00601-MHL,
 18 (E.D.V.A. Sept. 1, 2017), *Sweigert v. Goodman*, 18-CV-8653, (S.D.N.Y. Sept. 21, 2019), *Nat'l*
 19 *Acad. of TV Arts & Scis., Inc. v. Multimedia Sys. Design*, No. 20-CV-7269 (VEC), (S.D.N.Y.
 20 Sept. 4, 2020), *Sweigert v Cable News Network, Inc*, 2:20-cv-12933-GAD-KGA (M.I.E.D. Oct.
 21 31, 2020), *Sweigert v. Goodman*, 1:22-cv-02788-LGS-BCM (M.I.E.D. Jan. 3, 2022), *Sweigert v.*
 22 *Multimedia System Design, Inc. et al*, 2:22-cv-10642-GAD-EAS (M.I.E.D. Mar. 25, 2022),
 23

24 DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
 25 FRCP RULE 11-13

1 *Sweigert v. Multimedia System Design, Inc. et al*, 1:23-cv-06881-JGK (M.I.E.D. Nov. 8, 2022),
 2 *Sweigert v. Goodman et al*, 23-cv-05875-JGK (S.D.N.Y. Jul. 4, 2023), [appeals omitted in the
 3 interest of efficiency]. Sweigert is a pathological, serial Lawfare practitioner and a vexatious
 4 litigant who must be enjoined from continuing this practice in the interest of justice.
 5

6 Instances like this require courts to exercise their power “to protect the public, including
 7 litigants . . . from the depredations of those . . . who abuse the process of the Courts to harass and
 8 annoy others with meritless, frivolous, vexatious or repetitive” suits. *In Re Hartford*, 659 F.2d at
 9 305. See also *In re Martin-Trigona*, 737 F.2d at 1261–62 (noting that permitting vexatious pro se
 10 litigants to act “with impunity” could “bring the entire system of justice to a halt, thus depriving
 11 all other litigants of their right to an expeditious adjudication of good faith federal claims,” and
 12 explaining that courts thus act “not only as an arbiter of a dispute between private parties but also
 13 in defense of the means necessary to carry out our constitutional function.”). Sweigert’s ongoing
 14 and continuous harassment and abusive litigation tactics have already clogged the dockets of
 15 numerous district courts causing excessive burden and undue expense to Goodman while
 16 unnecessarily taxing the resources of an already overwhelmed judicial system. “In such
 17 circumstances, the power to act against vexatious litigation is clear.” *In re Martin-Trigona*, 737
 18 F.2d at 1262. *See also generally Farguson v. MBank Houston, N.A.*, 808 F.2d 358, 359-60 (5th
 19 Cir. 1986) (“[O]ne acting pro se has no license to harass others, clog the judicial machinery with
 20 meritless litigation, and abuse already overloaded court dockets.”).
 21

24 **Factor Two**

25 With respect to the second factor, Sweigert has already demonstrated disregard for
 26 prevailing on his claims by voluntarily withdrawing multiple actions, (*See Sweigert v Goodman*
 27

28 DEFENDANT’S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
 FRCP RULE 11-14

1 1:18-cv-08653-VEC-SDA ECF No. 380, *Sweigert v. Multimedia System Design, Inc. et al.*, 2:22-
 2 cv-10642-GAD-EAS ECF No. 63, and *Sweigert v Goodman*, Case 1:22-cv-02788-LGS-BCM
 3 ECF No. 73). Sweigert voluntarily withdrew his first action against Goodman on the eve of trial
 4 and then made a pattern of voluntarily dismissing cases after the desired punishment had been
 5 inflicted. In *Sweigert v. Multimedia System Design, Inc. et al.*, (2:22-cv-10642-GAD-EAS), the
 6 same day Goodman hired local counsel, Sweigert withdrew upon learning the retainer fee had
 7 been paid. Repetition of this pattern demonstrates Sweigert's primary concern is wasting
 8 Goodman's time and money rather than prevailing in court on the merits of his claims.
 9

10 **Factor Three**

11 In most instances, a plaintiff's pro se status weighs against issuing a pre-filing injunction.
 12 Sweigert however, has been a Lawfare practitioner and avid pro se plaintiff for decades. After
 13 termination from employment at Electronic Systems Associates, Inc., ("ESA") in November of
 14 1991, Sweigert filed a qui tam action under the False Claims Act. 31 U.S.C. §§ 3730-3733,
 15 accusing ESA and its CEO, Lemuel Kinney ("Kinney"), through his corporation, of willfully
 16 misrepresenting material facts to the government and violating the False Claims Act, *See United*
 17 *States ex rel. Sweigert v. Elec. Sys. Assocs.*, 85 F.3d 630 (6th Cir. 1996).

18 A magistrate judge recommended dismissing the complaint for failure to comply with
 19 procedural requirements. Sweigert did not serve a copy of the complaint on the government and
 20 failed to file a copy en camera as required. Sweigert demonstrated less interest in the outcome of
 21 the qui tam action than he did in tormenting Lemuel, perhaps in retaliation for being fired.
 22 Sweigert did not object to the report and recommendation and so the complaint was dismissed.
 23

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 28 DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
 FRCP RULE 11-15

1 Over two years later, Sweigert filed two motions for relief from that judgment pursuant to
2 FRCP Rule 60(b)(6), another tactic he has employed recently, (*See Sweigert v Goodman* 1:18-
3 cv-08653-VEC-SDA ECF No. 383). The magistrate judge recommended denying Sweigert's
4 motions, twice in two reports, one filed June 21, 1995, another on July 17, 1995. The second
5 report unequivocally stated that objections were due on August 3, 1995. The Court noted that
6 Sweigert filed no objections to the final report, notwithstanding the magistrate judge's notice that
7 failure to do so would forfeit all rights on appeal pursuant to *United States v. Walters*, 638 F.2d
8 947 (6th Cir. 1981), and under *Thomas v. Arn*, 474 U.S. 140 (1985). Adopting the report, the
9 district court denied Sweigert's 60(b)(6) motions. Sweigert then filed an appeal from that order,
10 asserting the same claims presented to the district court in support of his qui tam suit. The Sixth
11 Circuit affirmed the district court's order denying Sweigert's motions for Rule 60(b) relief. The
12 qui tam failed to benefit Sweigert, but years of litigation put Kinney and ESA into financial ruin.
13

14 Sweigert has persistently attempted to implicate Goodman through "MSDI" a deceptive
15 corporate entity devised by Sweigert. This demonstrates a pattern established with Kinney and
16 ESA. By forcing Lawfare targets to retain counsel to represent a corporate defendant, Sweigert
17 ensures the financial destruction of his victims. Attempts to intervene, frivolous bar complaints,
18 cyber stalking and harassment are all weapons in his Lawfare arsenal. Ceaseless frivolous filings
19 compel defendants to respond while they suffer financially devastating costs of litigation.
20

21 Sweigert has publicly announced his intention to sue Goodman for the rest of his life. If
22 the Court allows this instant action to proceed, it will be helping him to fulfill that promise.
23 Sweigert has turned frivolous litigation into his full-time occupation. As cited herein, courts
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28 DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
FRCP RULE 11-16

1 routinely impose injunctions on pro se litigants like Sweigert to prevent them from abusive
 2 filings against the same defendants repeatedly without first seeking leave or retaining counsel.
 3

4 **Factor Five**

5 In considering some lesser sanction, the Court must decide what might adequately
 6 “protect the courts and other parties,” from Sweigert’s serial Lawfare assaults. As of 2023,
 7 Sweigert has spent nearly ten percent of his own lifetime pursuing Goodman with frivolous
 8 litigation that he displays no interest in taking to trial even when granted the opportunity. It is
 9 difficult to conceive a clearer demonstration of abusive litigation practices than those persistently
 10 engaged in by Sweigert. Here, the only suitable remedy is a broad pre-suit filing injunction. In
 11 similar circumstances, the Second Circuit has affirmed similar remedies when appropriate. *See,*
 12 *e.g.*, *In re Martin- Trigona*, 737 F.2d at 1262 (affirming injunction preventing plaintiff from
 13 bringing new actions “in all federal district courts”). District courts have “an obligation to protect
 14 and preserve the sound and orderly administration of justice throughout [the] system.” *Id.* To that
 15 end, they “need not wait until a vexatious litigant inundates each federal district court with
 16 meritless actions to condition access to that court upon a demonstration of good faith.” *Id.* In
 17 other similar cases courts have imposed remedies against repeat vexatious litigants like Sweigert.
 18 *See, e.g.*, *Urban v. United Nations*, 768 F.2d 1497, 1500 (D.C. Cir. 1985) (issuing nationwide
 19 filing injunction against pro se litigant); *Castro v. United States*, 775 F.2d. 399, 408-10 (1st Cir.
 20 1985) (enjoining plaintiff from ever filing another document in federal court against the United
 21 States pertaining to a certain subject matter), abrogated on other grounds; *Hackney v. Lehrer*
 22 *McGovern Bovis of Pa.*, No. 97-cv-1015, 1997 WL 214846, at *3-*4 (E.D. Pa. Apr. 25, 1997)
 23 (enjoining plaintiff from filing complaints in any court concerning subject matter at issue
 24

25 DEFENDANT’S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
 26 FRCP RULE 11-17

1 “without first seeking authorization of the court in which the plaintiff seeks to file” and requiring
 2 plaintiff to “attach to any such complaint a copy of this order” issuing the injunction). There is
 3 more than adequate basis for this Court to sanction Sweigert, having “demonstrated a disturbing
 4 pattern of filing frivolous lawsuits.” *Schwartz v. Nordstrom, Inc.*, No. 94-cv-1005, 1994 WL
 5 584676, at *4 (S.D.N.Y. Oct. 25, 1994). Sweigert’s conduct is expressly calculated to subject
 6 Goodman to undue burden and persistent harassment with no regard for the judicial resources
 7 expended. Simply put, Sweigert is a serial Lawfare practitioner and malicious litigant who must
 8 be stopped, or he will, as promised, continue to sue Goodman for the rest of his life.

10 **CONCLUSION**

11 For the reasons set forth herein, the Plaintiff Sweigert should be sanctioned, and this case
 12 should be dismissed with prejudice sua sponte. Sweigert should be designating as a vexatious
 13 litigant and enjoined from future fillings against Goodman or in any other suitable manner as
 14 determined by the Court.

15
 16
 17
 18 Signed this 16th day of October 2023

19 Respectfully submitted,



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 26
 27
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DEFENDANT’S MEMORANDUM OF LAW IN SUPPORT SANCTIONS PURSUANT TO
 FRCP RULE 11-18

EXHIBIT A

EXHIBIT A

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
AT DETROIT**

George Webb Sweigert, : CASE
Plaintiff, : NO - 2:20-cv-12933-GAD-KGA
V. : US DISTRICT COURT JUDGE
CABLE NEWS NETWORK, INC : Judge Gershwin A. Drain
 : RESPONSE TO ORDER
 : TO SHOW CAUSE

PLAINTIFF'S RESPONSE

Plaintiff hereby files this Response and, for the reasons stated here

The Plaintiff, George Webb Sweigert, filed a complaint in this lawsuit in District of Columbia in which Plaintiff asserted that the transactions were conducted in a manner that violated Plaintiff's rights and added to some of the administrative and legal issues that Plaintiff has raised before the Court.

The Defendant, Cable News Network, Inc., is located in Atlanta, Georgia, and is not located in the District of Columbia. Plaintiff is confused in person efforts to serve the Plaintiff with the complaint.

The Plaintiff requests for the Court to issue an order to show cause to be served on the Defendant. Two days notice is sufficient. Plaintiff is represented by the law office of Jason Goodman, Esq., of the firm of Loury, Loury, and Goodman, PLLC, 1000 14th Street, N.W., Washington, D.C. 20004.

